

VALLEY TOWNSHIP

# Valley Township Freedom of Information Act Procedures Policy

**Brandee Ellis, Clerk**

**2010**

# Valley Township Freedom of Information Act Procedures Policy

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## Section 1: Definitions

For the purposes of this policy, the following words have the following meanings:

- 1.1 Advanced Records:** Records that cannot be processed unless personnel have specific access or training to prepare or copy the record, separate exempt from non-exempt information, or approve a denial. Any record not in the list of basic records in this policy is considered an advanced record.
- 1.2 Advanced Request:** A request for “advanced” records as defined by this policy. Any request that includes records not on the list of “basic” records is considered an advanced request. An advanced request will typically require access to records with limited access, training to prepare the record or to make a copy, training to separate exempt from non-exempt information, or authority to approve a denial. A FOIA Coordinator or Assistant FOIA Coordinator is authorized to process an advanced request or to approve a denial of an advanced request. A FOIA Contact or other person is not authorized to process an advanced request or to approve a denial of an advanced request.
- 1.3 Basic Records:** Records that are easily identified and accessed, are generally required by law to be prepared and available, and do not involve exempt information. The board and the FOIA Coordinator may designate other records as “basic,” even though they may involve exempt information, if the board and the FOIA Coordinator determine it is in the public interest to maintain those records for quick response to common or anticipated requests. A FOIA Coordinator, Assistant FOIA Coordinator, or FOIA Contact is authorized to process a request for basic records.
- The township list of records designated “basic” for the purposes of this policy is developed and periodically updated by the board and FOIA Coordinator (see attached page 14).
- 1.4 Basic Request:** A request for “basic” records as defined by this policy. A basic request does not require access to records with limited access, does not require additional training to prepare the record or make the copy, and does not involve separating exempt from non-exempt information or a denial. A FOIA Coordinator, Assistant FOIA Coordinator, or FOIA Contact is authorized to process a basic request.
- 1.5 Business Day:** Any weekday that is not a Saturday, Sunday, or legal holiday.
- 1.6 FOIA Coordinator:** The person designated by the township board who is responsible for accepting and processing FOIA requests for the township’s public records, and who is responsible for approving a denial of a FOIA request under MCL 15.253. The township board or the FOIA Coordinator may designate other persons to act as Assistant FOIA Coordinator or to serve as a FOIA Contact, subject to any applicable statutes or township policies regarding job descriptions, departmental functions, bargaining agreements, pay grades or compensation.
- 1.7 FOIA Request Form:** The form (see attached page 15) used to receive and track FOIA requests as periodically adopted and updated by the board or FOIA Coordinator.
- 1.8 Original Request:** The printed (“hard copy”) version of any FOIA request that is not received on paper (email, digital file, electronic file, fax received as a digital file, or other non-paper format).
- 1.9 Request:** A writing that asks to inspect, copy, or receive a copy of a public record that is described sufficiently in the request to enable the township to find the public record.
- 1.10 Writing:** Includes handwriting, typewriting, printing, digital or electronic writing, photo stating, photographing, photocopying, and every other means of recording (including letters, words, pictures, sounds, or symbols, or combinations of), and papers, maps, email, faxes, digital or electronic files, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.

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## Section 2: Personnel Authorized to Process FOIA Requests

### 2.1 FOIA Coordinator

- A. Accepts and processes basic and advanced FOIA requests.
- B. Approves denial of FOIA requests.
- C. Directs and coordinates the township's FOIA policies and procedures.
- D. Trains township personnel for FOIA compliance.
- E. Provides the township board with information and assistance when a FOIA denial is appealed to the township board or circuit court.

### 2.2 Assistant FOIA Coordinator

- A. Accepts and processes basic and advanced FOIA requests.
- B. Approves denial of FOIA requests.

### 2.3 FOIA Contact

- A. Accepts and processes basic FOIA requests.
- B. Not authorized to process advanced FOIA requests or approval denial of FOIA requests.

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## Section 3: Receiving FOIA Requests

### 3.1 All FOIA Requests Must Be in Writing

Any person may make a FOIA request by submitting:

- 1) A Township FOIA Request Form, or
- 2) A letter, fax, email, or any other “writing.”

### 3.2 All Digital or Electronic FOIA Requests Are Retained on Paper

Any FOIA request that is not originally on paper (email, digital file, electronic file, fax received as a digital file, or other non-paper format) will be printed and retained on paper. The printed version is the “original” request and will be attached to a FOIA Request Form and retained for at least one year from the date the request was “received”.

### 3.3 Prepare a FOIA Request Form for All Requests for Records

Township personnel will prepare a FOIA Request Form for all requests. If an original request is submitted by any writing other than the FOIA Request Form, the original request will be attached to the FOIA Request Form.

### 3.4 Verbal Requests for Records Must Be Transferred to Paper

Except as directed in **Section 9.1 Verbal Requests to Inspect Public Records Will Be Accepted**, township personnel will not respond to a verbal request for a copy of a public record unless the request is transferred to a written request or the FOIA Request Form. *Township personnel will transfer all verbal requests for a public record to the FOIA Request Form.*

### 3.5 Encourage FOIA Requests to Be Submitted to FOIA Coordinator Address

The FOIA Coordinator mailing address is: 2054 N. M-40, Allegan, MI 49010.

### 3.6 Unauthorized Personnel Forward FOIA Requests to the FOIA Coordinator

All township personnel will direct any FOIA requests to the FOIA Coordinator if the person who received the request is not authorized under **Section 2** to respond to that request.

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## Section 4: Determining When a Non-Electronic FOIA Request is “Received”

### 4.1 Non-Electronic FOIA Requests Defined

A non-electronic FOIA request is a letter or other paper request delivered by mail, in person, or by hand.

### 4.2 Basic Non-Electronic FOIA Requests

A non-electronic basic request is “received” for the purpose of determining FOIA compliance on the day it is delivered to ANY township personnel.

### 4.3 Advanced Non-Electronic FOIA Request

A non-electronic advanced request is “received” for the purpose of determining FOIA compliance on the day it is delivered to the FOIA Coordinator or the appropriate Assistant FOIA Coordinator or FOIA Contact for the office responsible for the record(s) requested.

If a non-electronic advanced request is delivered to any township personnel, he or she will deliver it to the FOIA Coordinator or the appropriate Assistant FOIA Coordinator or FOIA Contact for the office responsible for the record(s) requested:

- 1) On the same day if he or she receives it at the office responsible for the record(s) or if it is possible to deliver it to another office responsible for the record(s) on that same day; or
- 2) If the person who receives the request is not located at the office responsible for the record(s), he or she will deliver it to that office no later than the next business day.

### 4.4 Date-Stamping Non-Electronic FOIA Requests

The month, day, and year will be stamped or written in indelible ink on every non-electronic FOIA request when it is “received” as defined in **Section 3** and **Section 4**.

### 4.5 Mail Pick-Up and Delivery Will Be Arranged to Comply With This Policy

Township policies regarding mail delivery will be coordinated with this policy to accommodate FOIA compliance.

#### A. *Mail Delivered to Township Facility or Home Office*

Mail delivered directly by the postal or other service to a township facility or township personnel’s home office will be distributed on the same business day that it is delivered.

A basic request delivered directly by the postal or other service to a township facility or township personnel’s home office will be date-stamped and considered “received” the same day it is delivered.

An advanced request delivered directly by the postal or other service to a township facility or township personnel’s home office will be date-stamped and considered “received” the day it is delivered to the FOIA Coordinator or the appropriate Assistant FOIA Coordinator or FOIA Contact for the office responsible for the record(s) requested.

#### B. *Mail Delivered to Private Mailing Address*

Township personnel who receive mail not addressed to the township, but addressed to them directly, will deliver any FOIA request no later than the next business day to the FOIA Coordinator or the Assistant FOIA Coordinator or FOIA Contact for the office responsible for the record(s) requested.

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## Section 5: Determining When an Electronic FOIA Request is “Received”

### 5.1 Electronic FOIA Requests Defined

An electric FOIA request is fax, email, or other form of electronic or digital transmission.

### 5.2 Basic Electronic FOIA Requests

A basic electronic request is “received” on the business day following the day the transmission is received on ANY device maintained to receive that form of transmission by the township or township personnel.

Any township personnel who receive a basic request will email or forward it on the same day he or she receives it in the original form, if that form can be emailed or forwarded electronically, to the FOIA Coordinator or any Assistant FOIA Coordinator or FOIA Contact.

If the basic request is not in a form that can be emailed or forwarded electronically, he or she will deliver the request in electronic or digital form on an appropriate portable disk, drive, card or other device or on paper to the office responsible for the record(s) on the same day he or she receives it.

### 5.3 Advanced Electronic FOIA Requests

An advanced electronic request is “received” the business day following the day the transmission is received on any device maintained to receive that form of transmission by the FOIA Coordinator or the appropriate Assistant FOIA Coordinator or FOIA Contact for the office responsible for the record(s) requested.

If advanced electronic request is delivered to any township personnel, he or she will email or forward it on the same day he or she receives it in the original form, if that form can be emailed or forwarded electronically, to the FOIA Coordinator or the appropriate Assistant FOIA Coordinator or FOIA Contact for the office responsible for the record(s) requested.

If the advanced request is not in a form that can be emailed or forwarded electronically, he or she will deliver the request in electronic or digital form on an appropriate portable disk, drive, card or other device or on paper to the office responsible for the records(s) no later than the next business day.

### 5.4 Date-Stamping Electronic FOIA Request

Any electronic FOIA request that is not originally on paper (email, digital file, electronic file, fax received as a digital file, or other non-paper format) will printed on paper, and the paper will be maintained as the “original” request.

The month, day, and year will be stamped or written in indelible ink on the paper “original” of every electronic FOIA request after it is “received” and printed on paper.



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## Section 6: Responses to FOIA Requests

### 6.1 FOIA Requests Are Responded to Within Five Business Days

Unless otherwise agreed to in writing by the person making the FOIA request, the township will respond to a request for a public record within five business days after the request is “received” by doing one of the following:

- 1) Granting the request
- 2) Issuing a written notice to the requesting person denying the request
- 3) Granting the request in part and issuing a written notice to the requesting person denying the request in part, or
- 4) Issuing a notice extending for not more than 10 business days the period during which the township will respond to the request. Only one extension will be issued for a particular request. The 10-business day extension will begin on the first business day after the fifth business day of the initial response period.

A person making a FOIA request may agree in writing to a deadline other than those required by the FOIA. The FOIA Request Form includes a section for the person making the request to agree to a deadline other than those required by the FOIA. If there is any reason to believe that the request may take more than the original five-business-day period, township personnel may ask the person making the request if he or she would like to agree to waive the FOIA deadlines and state a later delivery date on the FOIA Request Form. This is completely optional, and no person can be required to agree to a delivery date later than 15 business days after the request is “received” as a condition of receiving the request.

### 6.2 Failure to Respond Timely Has Serious Legal Consequences

Failure to respond to a FOIA request within five business days constitutes final determination to deny the request and may subject the township to legal action in circuit court.

**Township personnel will make every effort to avoid failing to respond to a FOIA request within five business days.**

### 6.3 Steps to Properly Deny All or Part of a FOIA Request

A written notice denying a public record in whole or in part is the township’s final determination to deny the request or portion of that request and may subject the township to legal action in circuit court.

If the FOIA Coordinator and Assistant FOIA Coordinator denies or approves a denial of a FOIA request for a public record in whole or in part, he or she will issue a written notice (see attached page 16) to the requesting person.

The written notice will contain:

- 1) An explanation of the basis under the FOIA or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request;
- 2) A certificate that the public record does not exist under the name given by the requester or by another name reasonable know to the township, if that is the reason for denying the request or a portion of the request;
- 3) A description of a public record or information on a public record that is separated or deleted pursuant to MCL 15.244, if a separation or deletion is made; and

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- 4) A full explanation of the requesting person's right to do either of the following:
  - a. Submit to the township board a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial, or
  - b. Seek judicial review of the denial under MCL 15.240.
- 5) Notice of the right to receive attorneys' fees and damages as provided in MCL 15.240 if, after judicial review, the circuit court determines that the township board has not complied with this section and orders disclosure of all or a portion of a public record.

The township FOIA Coordinator or Assistant FOIA Coordinator who is responsible for the denial of the request will sign the written notice of denial.

## **6.4 Steps to Properly Issue a Notice Extending a FOIA Response Period**

If the FOIA Coordinator or Assistant FOIA Coordinator issues a notice (see attached page 17) extending the period for a response to the request, the notice will specify the reasons for the extension and the date by which the township will do one of the following:

- 1) Grant the request,
- 2) Issue a written notice to the requesting person denying the request, or
- 3) Grant the request in part and issue a written notice to the requesting person denying the request in part.

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## Section 7: FOIA Request Billing Procedures

### 7.1 Billable FOIA Request Costs

The following costs will be charged for responses to all FOIA request according to the FOIA Fee Schedule adopted and periodically revised by the township board (see attached page 18).

In all cases, township personnel will use the most economical means available to make copies of public records.

“Actual, incremental cost” means the cost to the township over and above the cost to the township if the request had not been made. Overhead costs are not included in an “actual, incremental cost.”

#### A. Copying: (Includes copies requested or made to accommodate a request to inspect)

- 1) The actual, incremental copying cost to make the cop(ies).
- 2) The labor cost to make the copies, which is the lowest paid township employee capable of making the copy, as determined for each request.

Labor costs are charged in 10-minute increments. The hourly wage used to calculate labor costs includes total compensation and benefits.

#### B. Mailing:

- 1) The actual postage/shipping costs will be charged.
- 2) The actual cost of the envelope or mailer will be charged.

#### C. Separating Exempt From Non-Exempt Information (requires FOIA Coordinator approval):

A fee will not be charged for the cost to search, examine, review, and delete, separate, or redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the township because of the nature of the specific request.

The FOIA Coordinator or Assistant FOIA Coordinator is authorized to determine if a fee will be charged under this section. A FOIA Contact is not authorized to determine if a fee will be charged under this section.

When the FOIA Coordinator or Assistant FOIA Coordinator determines that a fee will be charged under this section, the FOIA Coordinator or Assistant FOIA Coordinator will specifically identify the nature of the unreasonably high costs of the specific request on the FOIA Cost Worksheet (see attached).

Labor cost to separate exempt from non-exempt information is the hourly wage of the lowest paid township employee capable of separating the exempt information from the non-exempt information, as determined for each request.

Labor costs are charged in 10-minute increments. The hourly wage used to calculate labor costs includes total compensation and benefits.

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## **7.2 Costs Waived Due to Indigency of Person Making FOIA Request**

A public record search will be made and a copy of a public record will be furnished without charge for the first \$20 of the fee for each request to a person who is entitled to information under the FOIA and who submits an affidavit stating either that, at the time the request is submitted, the person is receiving public assistance or is unable to pay the cost because of indigency.

“Indigency” is determined by the township’s poverty guidelines adopted for property tax poverty exemption applications (or “the federal poverty thresholds annually compiled and published by the Bureau of the Census prior to December 31 of each year”). See attached Fee Schedule.

## **7.3 Fifty-Percent Good Faith Deposit for Costs Over \$50**

Subject to **Section 7.2 Costs Waived Due to Indigency of Person Making FOIA Request**, if the costs estimated for a specific FOIA request exceed \$50, the person requesting the record(s) must make a good faith deposit before the township will process the request. The deposit will not exceed one-half (50%) of the total fee.

## **7.4 Unpaid FOIA Requests Are Not Considered When Responding to a Subsequent FOIA Request for Different Records**

The unpaid balance of a previous FOIA request cannot be deducted from separate or later FOIA requests for different records submitted by the same person, and they cannot be deducted from any other fees, taxes, charges, or other bills paid to the township by that person.

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## Section 8: Completing a FOIA Request

### 8.1 Initial Intake

When a FOIA request is “received,” the “original” request is date-stamped according to **Section 4** and **Section 5**. If the “original” request is a FOIA Request Form, the date is recorded in the applicable section on the form.

A FOIA Cost Worksheet is prepared and serves as the invoice for billing FOIA costs.

### 8.2 Basic Requests and Advanced Requests with No Exempt Information, Denial, or Extension

The following steps may be completed immediately following a request, but no later than five business days from the time the request is received:

- 1) A copy of the FOIA Cost Worksheet is either given directly to the person making the request or sent to the person making request by the same method used to submit the request or the most rapid method of communication available.
- 2) The person making the request may choose to amend his or her request based on the cost. The initial five-business day response period is recalculated from when the emended request is considered “received” according to **Section 4** and **Section 5**.
- 3) A 50% good faith deposit is required for a specific FOIA request under **Section 7.3**, as invoiced on the FOIA Cost Worksheet, must be paid before the township will prepare that specific request.
- 4) If no 50% good faith deposit is required for a specific FOIA request, the request will be processed and prepared for pick-up or mailing within the initial five-business day response period. The person making the request will be notified within the initial five-business day response period that the request is available for pick-up or mailing. Notice will also be given of the final balance due on the cost if any estimates have been revised.
- 5) The specific FOIA request will be provided or mailed to the person making the request AFTER the balance due as invoiced on the FOIA Cost Worksheet is paid in full.
- 6) A receipt will be given for all paid-in-full FOIA request.

### 8.3 Advanced Requests with Exempt Information, Denial, or Extension

- 1) A copy of the FOIA Cost Worksheet is either given directly to the person making the request or sent to the person making the request by the same method used to submit the request or the most rapid method of communication available.
- 2) The person making the request may choose to amend his or her request based on the cost. The initial five-business day response period is recalculated from when the amended request is considered “received” according to **Section 4** and **Section 5**.
- 3) A 50% good faith deposit required for a specific FOIA request under **Section 7.3**, as invoiced on the FOIA Cost Worksheet, must be paid before the township will prepare that specific request.
- 4) If no 50% good faith deposit is required for a specific FOIA request, the appropriate written response for an extension, denial, or separation of exempt from non-exempt information is either given directly to the person making the request or sent to the person making the request by the same method used to submit the request or the most rapid method of communication available within the initial five-business day response period.
- 5) The specific FOIA request will be provided or mailed to the person making the request AFTER the balance due as invoiced on the FOIA Cost Worksheet is paid in full.
- 6) A receipt will be given for all paid-in-full FOIA requests.

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## **8.4 FOIA Request Forms Filed With FOIA Coordinator**

When a FOIA request has been completed, the FOIA Request Form is filed with the FOIA Coordinator and retained for at least one year after the date of the request.

If the township has completed its requirements for the request, including copying all requested records and giving notice of any denial, and the person making the request has not paid the balance in full, the township will retain the request, including all copies made for the request, until the earliest of either the date the person pays the balance or one year after the date of the request.

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## Section 9: Procedures for Public Inspection and Copying of Records

### 9.1 Verbal Requests to Inspect Public Records Are Accepted

Although a verbal request to inspect records does not initiate FOIA requirements, other statutes, such as MCL 750.492, which covers all public records, and specific laws such as the General Property Act or the Michigan Election Law, require a response to a verbal request. Township personnel may ask a person to put a request to inspect in writing, but it cannot be required as a condition to inspect. For recordkeeping purposes only, township personnel will transfer all verbal requests to inspect a public record the FOIA Request Form.

### 9.2 Only Pencils Used to Take Notes When Inspecting Public Records

MCL 750.492 specifically prohibits the use of pen and ink for taking notes. Township personnel assisting with inspection of public records must inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes. A person may be required to inspect records at a specified counter or table, and in view of township personnel.

### 9.3 Copies May Be Required to Enable Public Inspection of Records

In coordination with the official responsible for the records, the FOIA Coordinator or Assistant FOIA Coordinator will determine, on a case-by-case basis, when the township will provide copies of original records, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is digital file or database not available for public inspection.

A fee is charged for copies made to enable public inspection of records, based on **Section 7** and the FOIA Fee Schedule.

### 9.4 Records Cannot Be Removed For Inspection

A person cannot remove books, records, or files from the place the township has provided for the inspection.

### 9.5 Hours and Locations for Public Inspection

Hours and locations for public inspection will be Monday through Thursday from 9:00AM until 12:00 Noon at the township hall during regular business days.

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## **Section 10: Records Maintenance for FOIA Compliance**

### **10.1 Records Are Maintained to Encourage FOIA Compliance**

Township personnel will create, develop, organize, maintain, retain and store all township records for easy access and copying.

A. *Records with Limited Access*

If specific records are required by law or township policy to have limited access, procedures will be developed in coordination with this policy to accommodate access by the appropriate authorized FOIA Coordinator or Assistant FOIA Coordinator.

B. *Records Containing Exempt Information*

If specific records contain information exempt from disclosure, procedures will be developed in coordination with this policy to create, develop, organize, maintain, retain and store those records so that exempt information may be omitted, removed, or redacted by the appropriate township personnel or authorized FOIA Coordinator or Assistant FOIA Coordinator.

C. *Basic Records Kept in Home Offices*

When basic records are kept in home offices, procedures will be developed in coordination with this policy to accommodate access by the appropriate authorized FOIA Coordinator or Assistant FOIA Coordinator.

### **10.2 Records Are Retained According to the Record Retention Schedule**

Township personnel will retain records according to the applicable General Record Retention Schedules approved by the Michigan Department of History, Arts and Libraries, according MCL 399.5

### **10.3 Records Are Destroyed According to the Record Retention Schedule**

A township record included on the record retention schedule cannot be destroyed except according to the record retention schedule.

### **10.4 Records Subject to a FOIA Request Cannot Be Destroyed Until Completed**

A public record subject to a current FOIA request will not be destroyed until the FOIA request has been completed or, if any part or the entire FOIA request has been denied, until the time allowed for an appeal of the request to the Circuit Court has passed without an appeal.



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## **Basic Records:**

- Minutes
- Meeting Notices
- Agendas
- Budget Documents
- Audit Report
- Ordinances
- Annual Reports
- Assessment Appraisal Cards

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## VALLEY TOWNSHIP

2054 North M-40, Allegan, MI 49010 Phone: (269) 673-5962 Fax: (269) 686-8302  
 Website: [www.valleytwp.org](http://www.valleytwp.org) E-Mail: [valleytownship@yahoo.com](mailto:valleytownship@yahoo.com)

### FOIA Request for Public Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request to:  Receive copy  Inspect record  Subscribe to record issued on regular basis  
 Delivery Method (upon payment of balance due):  Pick up records in person  Mail to address below  
 (Please Print or Type)

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Describe the public record(s) as specifically as possible:


Requestor's Signature	Date
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**Consent to Non-Statutory Extension of Township's Response Time**

I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the township must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree to extend the township's response time for this request until \_\_\_\_\_.

Requestor's Signature	Date
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(January 2007)

# Valley Township Freedom of Information Act Procedures Policy

Valley Township  
FOIA Coordinator: Brandee Ellis  
2054 North M-40, Allegan, MI 49010  
Phone: 269-673-5962 Fax: 269-686-8302

## Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

RE: Request to:  Receive copy  Inspect record  Subscribe to record issued on regular basis

Date Request Received: \_\_\_\_\_ Date of This Response: \_\_\_\_\_

Record(s) Requested: \_\_\_\_\_

All or  part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact \_\_\_\_\_ at \_\_\_\_\_.

### Reason for Denial:

1. This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_, because: \_\_\_\_\_

2. This item does not exist under the name provided in your request or by another name reasonably known to the township. A certificate that the public record does not exist under the name given is enclosed. If you believe this record does exist, provide a description that will enable us to locate the record: \_\_\_\_\_

3. A portion of the requested record had to be separated or deleted as it is exempt under FOIA Section 13, Subsection (insert number), because: \_\_\_\_\_

A brief description of the information that had to be separated or deleted: \_\_\_\_\_

### Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If you are successful in asserting the right to inspect or to receive a copy of a public record or a portion of a public record in court, the court will award reasonable attorney fees, costs, and disbursements. If you prevail in part of your action, the court may in its discretion award reasonable attorney fees, costs, and disbursements or an appropriate portion of those attorney fees, costs, and disbursements. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

(January 2007)

Date:

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FOIA Coordinator: Brandee Ellis  
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## Notice to Extend Response Time for FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

RE: Request to:  Receive copy  Inspect record  Subscribe to record issued on regular basis  
Delivery Method (*upon payment of balance due*):  Pick up records in person  Mail to address below

Date Request Received: \_\_\_\_\_ Date of This Response: \_\_\_\_\_  
Record(s) Requested: \_\_\_\_\_

We are extending the date to respond until \_\_\_\_\_, (*This date can be no more than 15 business days from the date the original request was received by the township.*)

If you have any questions regarding this extension, contact \_\_\_\_\_ at \_\_\_\_\_

### Reason for Extension:

1. The township needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the township must:

2. The township needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the township office. Specifically, the township must coordinate documents from the following locations: \_\_\_\_\_

3. Other (describe): \_\_\_\_\_

Signature of FOIA Coordinator:

Date:

(Revised January 2008)

# Valley Township Freedom of Information Act Procedures Policy

## Valley Township Freedom of Information Act Request Cost Worksheet

Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234, the following costs will be charged for responses to FOIA requests, according to the FOIA Fee Schedule adopted and periodically revised by the township board.		
<b>Copying (per copy cost):</b>  Copying costs may be charged if a copy of a public record is requested, or if a copy is required to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.  <div style="text-align: right;">                     Letter (single-sided): 2.5 cents per page                      Letter (double-sided): 5.0 cents per page                      Legal (single-sided): 2.5 cents per page                      Legal (double-sided): 5.0 cents per page                      Other: _____ Cost per page: _____                 </div>	Number of pages: x _____ = x _____ = x _____ = x _____ = x _____ = x _____ =	Total Cost \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
<b>Labor Cost for Copying (hourly wage):</b>  <div style="text-align: right;">Hourly Wage Charged: 11.00</div>	Number of minutes: x _____ =	Total Cost \$ _____
<b>Mailing:</b> (Envelope and Postage)  <div style="text-align: right;">                     (Additional ounces .17) No. 10 Business Envelope: 5.5 cents                      (Additional ounces .25) 9 x 12 Envelope: 1.15 cents                      (Additional ounces .25) 10 x 13 Envelope: 1.15 cents                      Other: _____ cents                 </div>	Number of envelopes: x _____ = x _____ = x _____ = x _____ = x _____ =	Total Cost \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
<b>Faxing (per copy cost):</b> Long distance charges within the US are including in the cost <div style="text-align: right;">Letter or Legal (single-sided): \$1.00 per page</div> Other: _____ Cost per page: _____	Number of pages: x _____ = x _____ = x _____ =	\$ _____ \$ _____ \$ _____
<b>Labor Cost for Separating Exempt from Non-Exempt Information (hourly wage):</b>  Due to the nature of the request, a labor charge may be charged for the search, examination, review, and (if appropriate) the deletion and separation of exempt from non-exempt information as provided in Section 4 of the Freedom of Information Act, MCL 15.234. This fee is being charged because failure to do so would result in unreasonably high costs to the township, specifically:  _____ _____ _____  <div style="text-align: right;">Hourly Wage Charged: 11.00</div>	Number of minutes: x _____ =	Total Cost \$ _____
<b>Subtotal</b>		\$ _____
<b>Proof or Affidavit of Indigency Submitted</b>	Subtract \$20.00	\$ _____
<b>Estimated Cost</b>		\$ _____
Note: Estimated Cost Exceeds \$50.00. Good Faith Deposit of 50% Required <u>Before</u> Request Will Be Processed	50% Deposit Date Paid: _____	\$ _____
Note: Request Will Be Processed, But Balance Must Be Paid <u>Before</u> Copies May Be Picked Up, Delivered, or Mailed	<b>Balance Due</b> Date Paid: _____	\$ _____

(January 2007)